

**ORDINANCE AMENDING CHAPTER 18 – NUISANCES OF THE CODE OF
ORDINANCES OF THE CITY OF BROOKHAVEN, GEORGIA**

WHEREAS, the Mayor and Council of Brookhaven are charged with the protection of the public health, safety and welfare of the citizens of the Brookhaven; and

WHEREAS, pursuant to Section 1.03(b) of the Charter of the City of Brookhaven, inter alia, the City of Brookhaven has the power to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards; and

WHEREAS, the Mayor and Council of the City of Brookhaven hereby find that regulating, prohibiting and/or defining certain offenses as set forth both below will further the goals set for in the Charter and protect the public health, safety and welfare of the citizens of Brookhaven.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia, and it is hereby ordained by authority of same,

Section 18-53: *Fee and Certificate required*, Article V *Multifamily Rental Housing* of Chapter 18, *Nuisances* is hereby amended by adding a new subsection (e), to read as follows:

(e) Authority to Audit The Building Official or its designee shall have the authority to inspect the interior of those units that are included in each annual Code Compliance Certificate submitted to the City pursuant to Sec. 18-53(c) above for the purpose of auditing the compliance of the Owner with the Code. Said audit may, at the discretion of the Building Official, include such number of submitted units included in the Code Compliance Certificate as determined by the Building Official or its designee Once determined that an audit inspection will be conducted, the Building Official shall give written notice to the Certified Building Inspector issuing the Code Compliance Certificate, the owner and/or property management company of the date of the inspection which inspection shall take place no sooner than seven days from the date of the notice and shall be conducted on from 9 AM to 5 PM EST during weekdays, other than nationally recognized holidays. The owner, the Certified Building Inspection or a member of the property management shall be available to accompany the Building Official during the audit inspection.

Section 18-55 *Penalty for false certification and false inspection*, Article V *Multifamily Rental Housing* of Chapter 18, *Nuisances* is hereby amended by striking said section in its entirety and substituting in lieu thereof a new Section 18-55 to read as follows:

STATE OF GEORGIA
DEKALB COUNTY
CITY OF BROOKHAVEN

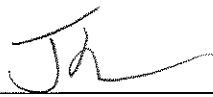
ORDINANCE: 2014-04-05

- (a) An Owner who knowingly furnishes a Code Compliance Certificate to the City which contains a false certification that any Multifamily Rental Dwellings or Multifamily Rental Unit inspected are in compliance with those standards contained in the Code Compliance Certificate shall be guilty of a violation of the Section 18 for each Multifamily Rental Dwelling or Multifamily Rental Unit for which the Code Compliance Certificate is shown to be false and can be fined by the court for each violation up to \$1,000 for each dwelling or unit.
- (b) A Certified Building Inspector who knowingly, recklessly, or negligently furnishes an Inspection Report which contains fraudulent information that a Multifamily Rental Dwelling or Multifamily Rental Unit meets the minimum standards of this Section 18, shall be guilty of a violation of this Code and can be fined, by the court for each violation up to \$1,000 for each dwelling or unit. In addition, the Certified Building Inspector's right to submit Inspection Reports to the City shall be suspended for a state prior of time, up to five years.
- (c) A Property manager who knowingly furnishes a Code Compliance Certificate to the City which contains a false certification that any Multifamily Rental Dwelling or Multifamily Rental Unit inspected are in compliance with those standards contained in the Code Compliance Certificate shall be guilty of a violation of the Section 18 for each Multifamily Rental Dwelling or Multifamily Rental Unit for which the Code Compliance Certificate is shown to be false and can be fined by the court for each violation up to \$1,000 for each dwelling or unit.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BROOKHAVEN HERBY ORDAINS that Chapter 18: Nuisances is hereby amended and approved as part of the Code of Ordinances for the City of Brookhaven, Georgia. Any ordinances in conflict with this Ordinance are hereby repealed.

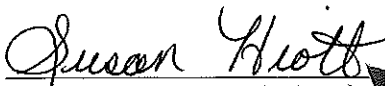
SO ORDAINED, this 22nd day of April, 2014.

APPROVED:




J. Max Davis, Mayor

ATTEST:



Susan Hiott, City Clerk

APPROVED AS TO FORM:



Thompson Kurrie, Jr., City Attorney

